UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

Stay the Course West Virginia, et al.

V.

Natalie E. Tennant, et al.

REPORT OF PARTIES' PLANNING MEETING

CASE NUMBER 1:12-cv-01658

Guideline for parties and attorneys:
The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at www.wvsd.uscourts.gov) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on 11/02/2012. Those participating were:

Allen R. Prunty for plaintiff(s)

Doren Burrell for defendant(s) Natalie Tennant

__________ for defendant(s) __________

__________ for defendant(s) __________

2. Pre-Discovery Disclosures. The parties will exchange by 12/07/2012 the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until 12/28/2012 to join additional parties and until 12/28/2012 to amend the pleadings. Defendant(s) should be allowed until 12/28/2012 to join additional parties and until 12/28/2012 to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

See attached Page 2a.

Disclosure of electronically stored information should be handled as follows:

N/A

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

See attached Page 2a.

This action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

The last date to serve discovery requests is 12/07/2012. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the "discovery completion date." [Discovery on all issues to be completed by 01/21/2013.]

The parties do adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

> 1. Whether the Defendants intend to offer evidence to establish that the State has a legitimate and compelling interest to limit the dollar amount of political contributions to independent expenditure political action committees?
>
> 2. If the answer to issue 1 is yes, what evidence the Defendants will offer and the basis of their expert opinions, if expert evidence will be offered?

The parties have agreed to an order regarding claims of privilege or of protection as trial preparation material asserted after production, as follows:

> If a party wishes to assert a claim of privilege or protection as trial preparation material with respect to information already produced to another party, the party claiming privilege will promptly serve written notice of the claim of privilege or protection upon the other party along with the identification by Bates number of all documents at issue. The parties will be governed by Rule 502(b) of the West Virginia Rules of Evidence and Federal Rule 26(b)(5)(B) in the event of an inadvertent disclosure. If the parties are unable to amicably resolve the issue within 10 days, the party wishing to assert a claim of privilege or protection shall file a motion for protective order with the Court seeking a ruling on the claim of privilege and/or protection and other desired relief.

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: 11/30/2012;
By the party not bearing the burden of proof on an issue: 12/28/2012; and
Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: 01/04/2013.

5. Magistrate judges will resolve discovery disputes. The parties do not consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

6. Mediation shall take place on or before 3/1/2013.

7. Potential dispositive motions shall be filed by 02/07/2013, with responses and replies filed according to the Local Rules.

8. The parties request a pretrial conference in 05/2013.
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before 05/07/2013.
The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before 05/13/2013.

9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chamber s of the presiding judicial officer in WordPerfect format on or before N/A.

10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before 05/21/2013.

11. A final settlement conference will take place on 06/03/2013.

12. The case should be ready for trial by 06/04/2013, and at this time is expected to take approximately one days.

The parties request a conference with the court before entry of the scheduling order.

/s/ Allen R. Prunty

Allen R. Prunty (WVSB #4991)
Robinson & McElwee PLLC
Post Office Box 1791
Charleston, WV 25326

Counsel for Stay the Course WV, David Bailey, Pineville Lumber, Inc. and Thomas Stephen Bailey

/s/ Doren Burrell

Doren Burrell (WVSB #555)
Senior Assistant Attorney General
Office of the Attorney General
State Capitol Complex
Building 1, Room E-26
Charleston, WV 25305

Counsel for WV Secretary of State

No Appearance

SIGN HERE

Scott Ash, Esquire
Mercer County Prosecuting Attorney
120 Scott Street
Suite 120
Princeton, WV 24740